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Attorneys for Plaintiffs
HOLOGIC, INC., CYTYC CORP. and HOLOGIC L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C08 00133 RMW (RS)

**DECLARATION OF MARILEE C. WANG
PURSUANT TO CIVIL LOCAL RULE 79-
5(D) IN PARTIAL SUPPORT OF SENORX,
INC.'S ADMINISTRATIVE MOTION AND
SUPPLEMENTAL ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
EXHIBITS 1, 7, 15, AND 20-26 TO THE
DECLARATION OF AARON P. MAURER
AND EXHIBITS 4 AND 8 TO THE
DECLARATION OF ROY WEINSTEIN IN
SUPPORT OF SENORX, INC.'S
OPPOSITION TO PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

1 I, Marilee C. Wang, declare as follows:

2 I am an attorney at the law firm Howrey LLP and a member of the Bar of this court. I serve as
3 one of the outside counsel for Plaintiffs Hologic, Inc., Cytyc Corporation, and Hologic L.P. If called
4 upon to testify, I could and would competently testify as to the matters set forth herein.

5 1. Pursuant to Civil L.R. 79-5(d), the information contained herein is submitted in partial
6 support of SenoRx, Inc.'s Administrative Motion and Supplemental Administrative Motion to File
7 under Seal Exhibits 1, 7, 15, and 20-26 to the Declaration of Aaron P. Maurer and Exhibits 4 and 8 to
8 the Declaration of Roy Weinstein in Support of SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a
9 Preliminary Injunction. These documents contain the confidential information of Plaintiffs Hologic,
10 Inc., Cytyc Corporation, and Hologic L.P. ("Hologic").

11 2. Exhibit 1 to the Declaration of Aaron P. Maurer is a copy of certain excerpts from the
12 Rule 30(b)(6) deposition of Hologic, Inc. dated March 18, 2008 which Hologic has designated Highly
13 Confidential – Outside Counsel Only. This document contains information that is internal,
14 confidential, and sensitive to Hologic and its employees, and the unprotected distribution of this
15 document in its unredacted form to the general public could cause harm to Hologic and its employees.

16 3. Exhibit 7 to the Declaration of Aaron P. Maurer is a copy of Hologic's Objections and
17 Responses to SenoRx's First Set of Interrogatories dated March 10, 2008 which Hologic has
18 designated Highly Confidential – Attorneys' Eyes Only. This document contains information that is
19 internal, confidential, and sensitive to Hologic and its employees, and the unprotected distribution of
20 this document in its unredacted form to the general public could cause harm to Hologic and its
21 employees.

22 4. Exhibit 15 to the Declaration of Aaron P. Maurer is a copy of a Hologic product manual
23 bearing bates numbers HOLOGIC 0046918-0046959 which Hologic has produced during the course of
24 discovery in this case and has designated Highly Confidential – Outside Counsel Only. This document
25 contains information that is internal, confidential, and sensitive to Hologic and its employees, and the
26 unprotected distribution of this document in its unredacted form to the general public could cause harm
27 to Hologic and its employees.
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1 5. Exhibit 20 to the Declaration of Aaron P. Maurer is a copy of a Hologic competitive
2 evaluation analysis bearing bates numbers HOLOGIC 0047510-0047518 which Hologic has produced
3 during the course of discovery in this case and has designated Highly Confidential – Outside Counsel
4 Only. This document contains information that is internal, confidential, and sensitive to Hologic and
5 its employees, and the unprotected distribution of this document in its unredacted form to the general
6 public could cause harm to Hologic and its employees.

7 6. Exhibit 21 to the Declaration of Aaron P. Maurer is a copy of a Hologic competition
8 presentation bearing bates numbers HOLOGIC 0047519-0047542 which Hologic has produced during
9 the course of discovery in this case and has designated Highly Confidential – Outside Counsel Only.
10 This document contains information that is internal, confidential, and sensitive to Hologic and its
11 employees, and the unprotected distribution of this document in its unredacted form to the general
12 public could cause harm to Hologic and its employees.

13 7. Exhibit 22 to the Declaration of Aaron P. Maurer is a copy of a Hologic strategy plan
14 bearing bates numbers HOLOGIC 0047551-0047573 which Hologic has produced during the course of
15 discovery in this case and has designated Highly Confidential – Outside Counsel Only. This document
16 contains information that is internal, confidential, and sensitive to Hologic and its employees, and the
17 unprotected distribution of this document in its unredacted form to the general public could cause harm
18 to Hologic and its employees.

19 8. Exhibit 23 to the Declaration of Aaron P. Maurer is a copy of a Hologic competition
20 presentation bearing bates numbers HOLOGIC 0047634-0047650 which Hologic has produced during
21 the course of discovery in this case and has designated Highly Confidential – Outside Counsel Only.
22 This document contains information that is internal, confidential, and sensitive to Hologic and its
23 employees, and the unprotected distribution of this document in its unredacted form to the general
24 public could cause harm to Hologic and its employees.

25 9. Exhibit 24 to the Declaration of Aaron P. Maurer is a copy of a Hologic competitive
26 product presentation bearing bates numbers HOLOGIC 0047619-0047633 which Hologic has
27 produced during the course of discovery in this case and has designated Highly Confidential – Outside
28 Counsel Only. This document contains information that is internal, confidential, and sensitive to

1 Hologic and its employees, and the unprotected distribution of this document in its unredacted form to
2 the general public could cause harm to Hologic and its employees.

3 10. Exhibit 25 to the Declaration of Aaron P. Maurer is a copy of a Hologic competition
4 presentation bearing bates numbers HOLOGIC 0047574-0047594 which Hologic has produced during
5 the course of discovery in this case and has designated Highly Confidential – Outside Counsel Only.
6 This document contains information that is internal, confidential, and sensitive to Hologic and its
7 employees, and the unprotected distribution of this document in its unredacted form to the general
8 public could cause harm to Hologic and its employees.

9 11. Exhibit 26 to the Declaration of Aaron P. Maurer is a copy of a Hologic product
10 strategy plan bearing bates numbers HOLOGIC 0047651-0047715 which Hologic has produced during
11 the course of discovery in this case and has designated Highly Confidential – Outside Counsel Only.
12 This document contains information that is internal, confidential, and sensitive to Hologic and its
13 employees, and the unprotected distribution of this document in its unredacted form to the general
14 public could cause harm to Hologic and its employees.

15 12. Exhibit 4 to the Declaration of Roy Weinstein contains highly confidential financial
16 information derived from the Declaration of Glenn Magnuson in Support of Plaintiffs' Motion for
17 Preliminary Injunction which Hologic has designated under seal and Highly Confidential – Outside
18 Counsel Only. Specifically, page 1 of Exhibit 4 contains information that is internal, confidential, and
19 sensitive to Hologic and its employees, and the unprotected distribution of this document in its
20 unredacted form to the general public could cause harm to Hologic and its employees.

21 13. Exhibit 8 to the Declaration of Roy Weinstein contains highly confidential financial
22 information derived from (1) the Xoft Settlement Agreement and License bearing bates numbers
23 HOLOGIC 0047845-0047863 which Hologic has produced during the course of discovery in this case
24 and has designated Highly Confidential – Outside Counsel Only; and (2) the Declaration of Glenn
25 Magnuson in Support of Plaintiffs' Motion for Preliminary Injunction which Hologic has designated
26 under seal and Highly Confidential – Outside Counsel Only. Exhibit 8 contains information that is
27 internal, confidential, and sensitive to Hologic and its employees, and the unprotected distribution of
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1 this document in its unredacted form to the general public could cause harm to Hologic and its
2 employees.

3 I declare under penalty of perjury under the laws of the United States and the State of
4 California that the foregoing is true and correct.

5 Dated: April 1, 2008

HOWREY LLP

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7 By:  _____

8 Marilee C. Wang

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10 Attorneys for Plaintiffs
11 HOLOGIC, INC., CYTYC CORPORATION,
12 and HOLOGIC, L.P.
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SENORX, INC.,

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Case No. C08 00133 RMW (RS)

**[PROPOSED] ORDER GRANTING
ADMINISTRATIVE MOTION AND
SUPPLEMENTAL ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
EXHIBITS 1, 7, 15, AND 20-26 TO THE
DECLARATION OF AARON P. MAURER
AND EXHIBITS 4 AND 8 TO THE
DECLARATION OF ROY WEINSTEIN IN
SUPPORT OF SENORX, INC.'S
OPPOSITION TO PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

1 The Court, having considered Defendant SenoRx, Inc. 's ("SenoRx") Administrative Motion
2 and Supplemental Administrative Motion To File Under Seal and Plaintiffs' declaration in partial
3 support of SenoRx, Inc.'s Administrative Motion and Supplemental Administrative Motion to File
4 under Seal Exhibits 1, 7, 15, and 20-26 to the Declaration of Aaron P. Maurer and Exhibits 4 and 8 to
5 the Declaration of Roy Weinstein in Support of SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a
6 Preliminary Injunction, finds that good cause exists pursuant to Civil Local Rule 79-5 and hereby
7 orders that the Motion is GRANTED in its entirety.

8 The Clerk shall maintain the following Hologic confidential documents under seal:

9 (1) Exhibits 1, 7, 15, and 20-26 to the Declaration of Aaron P. Maurer in Support of
10 SenoRx, Inc.'s Opposition to Plaintiffs' Motion for a Preliminary Injunction;

11 (2) Exhibits 4 and 8 to the Declaration of Roy Weinstein in Support of SenoRx, Inc.'s
12 Opposition to Plaintiffs' Motion for a Preliminary Injunction.

13 IT IS SO ORDERED.

14
15 Dated: _____

Honorable Ronald M. Whyte
United States District Court Judge